

UNITED STATES DISTRICT COURT  
WESTERIN DISTRICT OF PENNSYLVANIA


CURTISS C. RUFF AND	)	
ILAGENE F. RUFF, HUSBAND AND	)	
WIFE,	)	
PLAINTIFFS	)	Civil Action No. 07-489
Vs.	)	
AMERICA'S SERVICING COMPANY,	)	
U.S. BANK, N.A., AMERICAN	)	
INSURANCE COMPANY,	)	
MORTGAGE CONTRACTING	)	RELATED TO DOC. NO. 34,
SERVICING AND JOHN DOE,	)	AND 36
DEFENDANTS	)	

MOTION FOR RECONSIDERATION OF ORDER DATED DECEMBER 19, 2007  
AWARDING ATTORNEY FEES

AND NOW comes the Plaintiff, Ilagene Ruff, by and through her attorney, Mark B. Peduto, Esquire and Peduto & Associates, and respectfully represents as follows:

1. Defendant's attorney sought to depose Plaintiff on November 7, 2007.
2. Due to schedule conflicts, Plaintiff was unable to attend on that date and time.
3. Defendant's attorney has alleged that he expended "in excess of \$1,000.00 in attorney's fees" as a result of the Plaintiff's non-attendance.
4. Plaintiff and her counsel believe that the Affidavit submitted is false and grossly over-states the amount of time expended.
5. In Paragraph 6A of the Affidavit, Defendant's counsel alleged that he "attended the deposition and waited for Plaintiff to appear." Said deposition was scheduled for Defendant's counsel's office, so his "attendance" meant going downstairs. If he waited more than 10-15 minutes before placing the telephone call that was his choice.

AND NOW, THIS 3<sup>rd</sup> DAY OF  
Jun 08, IT IS HEREBY  
ORDERED THAT THE WITHIN  
MOTION IS DENIED.

  
GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE